

UNITED LAND RESOURCES, et al.,

Plaintiff(s),

KEYSTONE PROPERTY, et al.,

Defendant(s),

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**Hon. Susan D. Wigenton
Civil Action No. 05-5452(SDW)**

PRETRIAL SCHEDULING ORDER

THIS MATTER having come before the Court for a status conference on July 23, 2007, pursuant to this Court's Pre-Trial Scheduling Order, dated March 15, 2007; William Pinilis, Esq., appearing on behalf of Plaintiffs; Michael Reynolds, Esq., Kate Scib, Esq., and Maria A. Kershaw, Esq., appearing on behalf of the Defendants; and based on the representations of counsel on the record during the status conference and for good cause shown:

IT IS on this 30th day of July, 2007

**ORDERED THAT THE MARCH 15, 2007 PRETRIAL ORDER SHALL BE
MODIFIED AS FOLLOWS:**

I. DISCOVERY AND MOTION PRACTICE

1. Discovery is to remain open through **November 1, 2007**. No discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown.

2. No objections to questions posed at depositions shall be made other than as to lack of foundation, form or privilege. See Fed. R. Civ. P. 32(d) (3) (A). No instruction not to answer shall be given unless a privilege is implicated.

3. Any discovery dispute shall be brought to the Court's attention in the first instance by letter or by telephone conference call immediately after the parties' good faith attempt to resolve the dispute has failed. See L. Civ. R. 16.1.

4. Other than as set forth in paragraph 6, no motions shall be filed without leave of Court. If a party wishes to file a motion, he or she should write a letter to the Magistrate Judge explaining the basis of the motion and the Court will advise as to how to proceed.

5. Dispositive motions shall not be filed until thirty (30) days after the close of Discovery. Failure to file dispositive motions within that time frame shall result in their dismissal as untimely.

II. EXPERTS

6. All affirmative expert reports shall be delivered by **November 15, 2007**, with depositions of those experts to be taken and completed **within twenty (20) days of receipt of report**. See Fed. R. Civ. P. 26(b)(4)(A). Any such report is to be in the form and content as required by Fed. R. Civ. P. 26(a)(2)(B).

7. All responding expert reports shall be delivered by **December 15, 2007**, with depositions of those experts to be taken and completed **within twenty (20) days of receipt of report**. Any such report shall be in the form and content as described above.

8. No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in his report.

III. FINAL PRETRIAL CONFERENCE

9. A final pretrial conference shall be conducted pursuant to Civil Rule 16(d) at a time and date to be assigned.

10. Pursuant Judge Wigenton's form of Final Pretrial Order, all pretrial submissions must be served upon the Court forty-eight (48) hours prior to the final pretrial conference.

11. All counsel are directed to assemble at the office of Plaintiffs' counsel not later than ten (10) days before the pretrial conference to prepare the proposed Final Pretrial Order in the form and content required by the Court, as well as the required pretrial submissions consisting of agreed-upon jury instructions, voir dire questions, verdict sheet, trial briefs and a neutral statement of the case to be read to the jury panel, all of which must be submitted forty-eight (48) hours before the final pretrial conference. Plaintiffs' counsel shall prepare the Pretrial Order and shall submit it to all other counsel for approval.

12. With respect to non-jury trials, each party shall submit to the District Judge and to opposing counsel proposed Findings of Fact and Conclusions of Law, trial briefs and any hypothetical questions to be put to an expert witness on direct examination.

13. The original of the Final Pretrial Order shall be delivered to Chambers not later than forty-eight (48) hours before the pretrial conference, along with all pretrial submissions and trial briefs. All counsel are responsible for the timely submission of the Pretrial Order and submissions.

IV. MISCELLANEOUS

14. Responses to any open discovery requests shall be served upon the propounding party on or before **August 1, 2007**. Plaintiffs' counsel shall advise Defendants' counsel on or before **August 1, 2007** as to his availability on September 17-19, 2007 for depositions Defendants wish to reschedule and notice for those dates. Plaintiffs' counsel shall also advise Defendants' counsel on or before **August 1, 2007** as to dates whereby Defendants' counsel can inspect and review documents responsive to Defendants' request for production of documents.

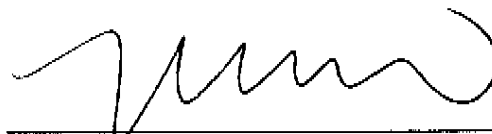
15. The Court may from time to time schedule conferences as may be required, either sua sponte or at the request of a party.

16. Since all dates set forth herein are established with the assistance and knowledge of counsel, there will be no extensions except for good cause shown and by leave of Court, even with consent of all counsel.

17. A copy of every pleading, document or written communication with the Court shall be served on all other parties to the action.

18. There shall be an in-person status conference before the undersigned on **October 2, 2007 at 2:00 p.m.** On or before **September 25, 2007**, all parties shall deliver to the court and counsel a letter, not to exceed 5 pages, concerning any issue that needs to be addressed by the court at the settlement conference.

19. FAILURE TO FOLLOW THIS DISCOVERY SCHEDULE WILL RESULT IN SANCTIONS PURSUANT TO Fed. R. Civ. P. 16(1) and 37.



MADELINE COX ARLEO
United States Magistrate Judge